

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Application of Overon America for an)
Earth Station License Modification to) Call Sign: E150031
Operate in the 13.75-14.0 GHz (Earth-)
to-space) Frequency Band) File No.:

MODIFICATION APPLICATION

By this application, Overon America (“Overon”) respectfully seeks to modify its existing fixed earth station license (Call Sign E150031) for a 4.9-meter gateway earth station – the ASC Signal Model ES49MPJ-1 (the “ASC 4.9m”) at its facility in Miami, Florida (geographic coordinates: 25° 50’ 28.0” N, 80° 18’ 59.0” W). Specifically, Overon seeks to communicate with the Eutelsat 117 West B (“E117WB”) satellite, a non-U.S. licensed geostationary satellite orbit (“GSO”) fixed-satellite service (“FSS”) satellite to be located at the 117° W.L. orbital location, using the 13.75-14.0 GHz (Earth-to-space) band (the “extended Ku-band”). The gateway earth station will support video and data distribution service to foreign customers in the Americas region (outside the United States). The requested modification will afford Overon additional operational flexibility and serve the public interest by enhancing competition in satellite services within the United States and expanding U.S. content presence in the international market.

I. BACKGROUND

The ASC 4.9m is presently authorized to communicate with satellites on the Commission’s Permitted Space Station List (“Permitted List”) in the 11.7-12.2 GHz and

14.0-14.5 GHz bands (the “conventional Ku-band”).¹ Overon now seeks to add authority to operate the ASC-4.9m in the 13.75-14.0 GHz band with E117WB (formerly Satmex 9), a satellite that will be operated by Satélites Mexicanos, S.A. de C.V. (now doing business as “Eutelsat Americas”) under the authority of Papua New Guinea at the 117° W.L. orbit location. The E117WB satellite has been previously granted U.S. market access to provide radio navigation satellite services (“RNSS”) in separate frequency bands.²

The Commission has previously reviewed the operational characteristics of the E117WB satellite in the context of Eutelsat Americas prior market access request pursuant to Section 25.137 of the Commission’s Rules, 47 C.F.R. § 25.137, and Overon incorporates by reference the information previously provided in that proceeding.³ In addition, Overon understands that Eutelsat Americas has filed a petition for market access to add the 13.75-14.0 GHz and 11.45-11.7 GHz bands to its market access grant and also incorporates by reference the material filed in support of that request into this modification application.⁴

Overon provides the Commission with additional details in Attachment A and Schedule S relating to the proposed extended Ku-band uplink operations, including antenna and satellite technical parameters and performance information, and demonstrates that it will operate the ASC 4.9m consistent with the Table of Allocations and applicable

¹ See Overon America, File No. SES-LIC-20150413-00207 (Call Sign E150031).

² See Satélites Mexicanos, S.A. de C.V., Grant of U.S. Market Access, File Nos. SAT-LOI-20140617-00070 and SAT-AMD-20141119-00123 (Call Sign S2926) (granted on August 20, 2015).

³ See generally File Nos. SAT-LOI-20140617-00070 and SAT-AMD-20141119-00123 (Call Sign S2926).

⁴ See Satélites Mexicanos, S.A. de C.V., File No. SAT-MOD-20161003-00096 (Call Sign S2926).

Commission regulations and policies. Although Overon only seeks to access the E117WB satellite in the extended Ku-band uplink at 13.75-14.0 GHz, in the interest of completeness it has provided certain technical information in Attachment A on the extended Ku-band downlink beams in the 11.45-11.7 GHz band.

Pursuant to Section 25.117 of the Commission's Rules, 47 C.F.R. § 25.117, Overon provides the attached FCC Form 312 and Schedule B for required information relating to the gateway earth station's operational characteristics in the 13.75-14.0 GHz band. The remaining technical information in Overon's earth station license and associated application remains unchanged. Additionally, at all times, Overon will continue to operate the ASC 4.9m in compliance with the FCC guidelines on radio frequency exposure and will take all necessary measures to ensure that the gateway does not create potential exposure of humans to radiofrequency radiation in excess of the FCC exposure limits.

II. DISCUSSION

The United States Table of Frequency Allocations ("Table of Allocations"), Section 2.106 of the Commission's Rules, 47 C.F.R. § 2.106, identifies conditions for spectrum use by FSS in the extended Ku-band uplink band. In the 13.75-14.0 GHz band, GSO FSS operations are co-primary with U.S. government shipboard radiolocation and National Aeronautics and Space Administration ("NASA") Tracking and Data Relay Satellite Systems ("TDRSS") operations. As discussed below, Overon will operate the ASC 4.9m consistent with the Table of Allocations and the Commission's policies governing use of the extended Ku-band uplink.

Overon demonstrates in Attachment B that it will operate the ASC 4.9m earth station in the 13.75-14.0 GHz band in accordance with the power levels specified in FCC Report

and Order 96-377⁵ in order to protect U.S. shipboard radar and other government operations from harmful interference. Overon further confirms that its proposed operations of the ASC 4.9m are consistent with antenna size and power level limits in footnote US356 of the Table of Allocations⁶ and that Eutelsat Americas has coordinated with NASA to ensure that earth station operations in the 13.75-13.8 GHz band are compatible with TDRSS space-to-space links.⁷ Overon will limit any operations in the 13.75-13.8 GHz band to the power levels reflected in the NASA-Eutelsat Americas coordination agreement.

There is extensive Commission precedent for Overon's proposed operations. The Commission has previously authorized gateway earth stations located in the United States to operate with both U.S.-licensed and non-U.S. licensed satellites in the extended Ku-band.⁸ In the instant application, Overon's proposed operations are more limited in scope

⁵ See *Amendment of Parts 2, 25 and 90 of the Commission's Rules to Allocate 13.75-14.0 GHz Band to the Fixed-Satellite Service*, Report and Order, FCC 96-377 (rel. September 26, 1996).

⁶ See 47 C.F.R. §2.106, n. US356. Note that the Commission has previously authorized earth station operations below the minimum power levels set forth in footnote US356 because there would be no adverse impact from lower-power transmissions on government operations. *See, e.g.*, Harris CapRock Communications, Inc., File No. SES-STA-20160214-00135, Call Sign E030253.

⁷ See Operational Level Coordination Agreement Between NASA and Eutelsat Americas Concerning the TDRS 12W Satellite Network and the Raggiana-18 Satellite Network (December 2015). Overon understands that the Commission has access to the terms of this confidential agreement, but requests the opportunity to supplement this filing on a confidential basis if necessary.

⁸ *See, e.g.*, Intelsat License LLC, File No. SES-LIC-20141124-00872 (Call Sign E140121) (authorizing gateway earth stations to communicate with the IS-29E satellite in the 12.875-14.0 GHz band); Intelsat License LLC, File No. SES-LIC-20090529-00665 (Call Sign E090093) (authorizing a gateway earth station to communicate with the PAS-1R satellite in the 13.75-14.0 GHz and 11.45-12.2 GHz bands); SES Americom Inc., File No. SES-LIC-20130116-00054 (Call Sign E130012) (authorizing a gateway earth station

because it only intends to operate the ASC 4.9m gateway earth station in the 13.75-14.0 GHz band and does not seek to conduct earth station receive operations at the facility.

Finally, Overon would note that the 13.75-14.0 GHz band constitutes the uplink portion of the extended Ku-band,⁹ which was recently included in the range of permissible frequencies for routinely licensed earth station communications with satellites on the Permitted List.¹⁰ Thus, for earth stations such as the ASC 4.9m, which qualifies for routine processing given its size and Section 25.209-compliant performance characteristics, there is a presumption that operations in the 13.75-14.0 GHz would be consistent with Commission policy (subject to a demonstration of compliance with other applicable rules). Overon has made such a demonstration here.

Grant of the requested modification will serve the public interest by enhancing Overon's existing Ku-band satellite communication capabilities, enabling Overon to respond to customer demand for international video and data distribution services, improving competition in the satellite service marketplace and increasing the United States presence in international markets.

to operate with certain U.S. and non-U.S. licensed satellite in the 13.75-14.0 GHz and 11.45-11.7 GHz bands).

⁹ See 47 C.F.R. § 25.103.

¹⁰ See Comprehensive Review of Licensing and Operating Rules for Satellite Services, *Second Report and Order*, IB Dkt. 12-167 (Dec. 17, 2015) at ¶249 (expanding the scope of Permitted List authority to the Extended Ku-band).

III. CONCLUSION

Based on the foregoing, Overon respectfully requests that the Commission grant its application to modify its existing earth station license, Call Sign E150031, by adding E117WB as an authorized point of communications for the ASC 4.9m gateway earth station in the 13.75-14.0 GHz band.